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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this paper is being transmitted via facsimile to the Patent Office at (571) 273-8300 on the date below: on <u>February 22, 2007</u> Signature <u>Kerri Hyland</u> Typed or printed name <u>Kerri Hyland</u>		Application Number <u>10/043,719</u>	Filed <u>January 9, 2002</u>
		First Named Inventor <u>Drozdewicz, et al.</u>	
		Art Unit <u>2143</u>	Examiner <u>Jude Jean-Gilles</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71, Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. <u>47,891</u> Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <u>Raymond Reese</u> Typed or printed name <u>(832) 446-2437</u> Telephone number <u>February 22, 2007</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Drozdewicz et al.

Serial No. 10/043,719

Filed: January 9, 2002

For: Conferencing Method

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Customer No. 29855

Conf. No. 6462

Art Unit: 2143

Examiner: Jude Jean-Gilles

Docket No.: 199-0249US

**ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF
REQUEST FOR REVIEW**Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Applicants submit this Pre-Appeal Brief for consideration in this application pursuant to the procedure as promulgated on July 12, 2005 in the Official Gazette, and as extended pursuant to the notice of January 10, 2006 in the Official Gazette.

This brief is filed concurrently with a Notice of Appeal.

This Office is authorized to deduct any necessary fees from Deposit Acct. 50-1922.

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**ARGUMENTS AND STATEMENT OF CLEAR ERROR
ON THE PART OF THE EXAMINER**

This Pre-Appeal Brief addresses only the patentability of the sole pending independent claim (claim 19). It will be appreciated that should the independent claim be shown to be patentable over the cited references, dependant claims therefrom are by definition patentable over the same references.

In Final Office Action dated January 17, 2007, claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (US. Patent No. 6,272,214), in view of Doganata (U.S. Patent No. U.S. 6,798,753). Claim 19 is reproduced below with the claim limitations at issue emphasized:

19. A method for establishing a conference between a subscriber and a participant, the method utilizing a conferencing system and an internet and comprising:
 assigning a unique URL for the conference;
 in response to the subscriber delivering the unique URL through the Internet to the participant and the participant clicking on the delivered URL, having the conference system obtain a telephone number of the participant from the participant; and
 having the conferencing system automatically dial the telephone number and connect the participant to the conferencing system.

Clear Error #1: The Examiner is Incorrect that the Recited Combination of References Teaches the Above Highlighted Limitations of Claim 19.

Stepping through the highlighted limitations of claim 19, it is apparent that a method according to claim 19 functions as follows: (i) a URL is delivered to a participant; (ii) the participant clicks the URL; (iii) the participant provides a telephone number to the conferencing system via the URL; (iv) the conference system automatically dials the telephone number; and (v) the conferencing system connects the participant to the conferencing system via the provided number. The method of claim 19 (1) is a dial-out conferencing method, and (2) allows a participant to provide the conferencing system with the appropriate dial-out telephone number via the URL immediately prior to beginning the conference. These characteristics provide advantages over the methods of the cited references, as described below.

The Jonsson reference

The Examiner stated that Jonsson discloses the invention of claim 19 as substantially claimed. See Office Action dated January 17, 2006, page 4. The Examiner is wrong because

Jonsson is directed to a dial-in conferencing method, not a dial-out method. In other words, Jonsson requires that a participant dial-in to the conference rather than having the conferencing system dial the participant. According to Jonsson, a communications system creates a unique identifier for an upcoming teleconference. Col. 3, lines 3-7. The unique identifier can be a pre-selected telephone number or a URL. Col. 3, lines 7-12. Intended conference participants are provided with the unique identifier and a notification message via, fax, email, voice mail, etc. Col 3, lines 17-21. Jonsson goes on to state:

Using the unique identifier and suitable terminal equipment, any recipient of the notification message desiring to participate in the conference can, for example, call the telephone number provided (or click on the URL, etc.) in order to make a request to participate in the conference. In response to receiving such a request to participate (via a telephone call, URL, etc.), the conference service node generates a reference identifier personalized for that requester. That personal reference identifies a specific meeting "location" for that requester. Using that personal reference (telephone number, etc.) and suitable terminal equipment, that requester can access the conference via that meeting location (e.g., a selected communications node, such as a host processor, communications controller, cluster controller, terminal, etc.). Consequently, in accordance with the present invention, any bona fide telemeeting participant can connect to and join the telemeeting from any remote location via the most appropriate communications node (e.g., to minimize calling distance, costs, etc.). Col. 3, lines 29-47 (emphasis added).

The method of Jonsson never receives a telephone number from the intended participant, but rather provides the participant with information to allow the participant to connect to the conference by calling in to the conference. According to Jonsson, the participant calls into the conference rather than the conferencing system dialing out to the participant. Jonsson states elsewhere:

Consequently, the service node 101 allocates (for that predetermined period of time) at least one of the plurality of phone numbers for the upcoming meeting session. The conference service node 101 provides a list of the temporary telephone numbers (unique identifiers) allocated to the session to the telemeeting administrator (e.g., via the terminal), who distributes one or more of the temporary telephone numbers or other temporary references (e.g., a URL) in an "invitation" message to intended participants. The "invitation message" can be broadcast (open-ended) or conveyed directly to individual invitees. After receiving the "invitation" message, the intended participants can call at any time just before or after the announced time, the one or more telephone numbers which are allocated to the upcoming session. Col. 4, lines 11-23 (emphasis added).

Again, this cited text emphasizes that Jonsson provides the participant with information to allow the participant to dial in to the conference. Jonsson teaches a dial-in conferencing method, and as such, does not teach the limitations:

*having the conference system obtain a telephone number of the participant from the participant; and
having the conferencing system automatically dial the telephone number and connect the participant to the conferencing system.*

The Doganata reference

The Examiner contends that Doganata discloses receiving the telephone number of the participants and dialing out to the participants. While Doganata does disclose both dial-in and dial-out conferencing modes, Doganata does not disclose the limitation:

in response to the subscriber delivering the unique URL through the Internet to the participant and the participant clicking on the delivered URL, having the conference system obtain a telephone number of the participant from the participant.

According to Doganata's dial-out conferencing method, a user must provide the conferencing system with telephone number for the intended participants at the time the user is setting up the conference. Alternatively, the participants' telephone numbers must be obtained from an address file, etc. Doganata states:

If, on other hand, the request is for a dial-out conference, the user inputs the identities of the participants, and/or their telephone numbers along with the other conference information via the Calendar View User Interface 22. If not directly provided by the user, the telephone numbers of the participants can be read automatically from a Personal Address file. While the Secondary Application can be provided with the functionality to browse for a site to locate the participants' phone numbers from a publicly available "Yellow Pages" file, such is not entirely practical from the standpoints of both time and resource utilization. Rather, if the Secondary Application has not been provided with the phone number from the local address file, it prompts the user to supply the needed information. Col. 6, lines 3-16 (emphasis added).

Doganata's does not teach a way to query the participants for their telephone number, as does the method of claim 19. Rather, participants' phone numbers must be provided in advance. In the case that a participant is unable to provide a their number in advance, the participant must access the conference in a dial-in mode, rather than a dial-out mode. See, col. 3, lines 7-12 ("In

one modification of the invention, the service provider returns a dial-in number and a password, upon request, to be distributed to the participants, so that any users who are unable to provide a dial-out number in advance may dial in to the scheduled conference.”).

In sum, the claimed method requires that the conference system query a participant for a phone number via a URL and dialing the provided phone number to connect the participant to the conference. This allows the participant to enter a number that is convenient at the time of the conference and participate in a dial-out mode conference via the provided number. Paragraph [0040] of the instant application provides an example wherein: “End-user A is at his office and enters his office phone number, end-user B is at her office and enters her cell phone number, end-user C is at home and uses the softphone in her computer through a soft phone icon 20, and end-user D is at the airport and, using a computer at a kiosk, enters his cell phone number.” This situation would not be possible with Doganata’s method because with Doganata’s method all of the participants’ phone numbers must be provided during scheduling the conference rather than at the time of the conference itself.

The Examiner has committed clear error in rejecting claim 19 as being unpatentable over the combination of Jonsson and Doganata because the combination of references does not teach every element of claim 19. Thus, the rejection under 35 U.S.C. 103 is improper and should be withdrawn.

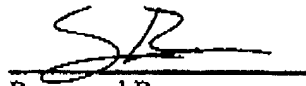
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Please feel free to contact the undersigned with any questions relating to this submission.

Respectfully submitted,

2-22-07

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